

MEETING OF THE BOARD OF CITY COMMISSIONERS

MARCH 14, 2017

The Board of City Commissioners met in regular session on March 14, 2017 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary.

1. The Board of City Commissioners considered approval of the minutes of the meeting on February 28, 2017.

Commissioner Marquardt made a motion to approve the minutes. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1071349 to 1071658.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the request for approval from the Administration Department for the following items:

- Approval for the introduction of and call for a public hearing on a request from Caffe Aroma, LLC, to locate a new Class I-2 liquor license at 324 E Broadway Avenue (dba Caffe Aroma).
- Approval for the introduction of and call for a public hearing on a request from Marty Lee to locate a new Class I-2 liquor license at 208 E Main Avenue (dba NoodleZip).
- Permission to have the "Keep Bismarck Beautiful Clean Up Day".

This annual event is a coordinated effort of volunteers that are led by a citizen activist who directs their efforts with City staff to help clean up Bismarck. The request would also include exposure on the City of Bismarck's website, social media accounts and the monthly utility bills to help advertise the event. The Bismarck Parks and Recreation District is a co-sponsor of this annual community event. Aside from the donated trash bags and collecting the bags along our city streets, there would be no other City of Bismarck costs associated with this co-sponsorship.

Staff recommends approval of the request to co-sponsor the Keep Bismarck Beautiful Clean Up Day, to provide empty trash bags and to collect the trash bags once the volunteers have filled and placed them in the appropriate collection areas.

- Approval of the reappointment of Rissa Williams to the Human Relations Committee to fill a vacancy on the committee for a three-year term that expires in January 2020.

D. The Board of City Commissioners considered the request for approval from the Airport for a Reimbursable Agreement (RA) with the Federal Aviation Administration (FAA) to provide FAA engineering and environmental review, installation/construction oversight and flight inspection support associated with Runway 13/31 reconstruction.

On February 23, 2016, the Board approved an RA with the FAA for planning and limited design related to navigation equipment affected by the reconstruction of Runway 13-31. On September 21, 2016, the Board approved actions to start actual construction. When the February 23, 2016 design RA was approved we told the Board we would come back with a second agreement to actually accomplish the work needed on impacted FAA navigation aids. This RA pays for FAA services on the south end of Runway 13-31 (first phase of construction this summer) and also the north end of Runway 13-31 (third phase in 2019). FAA requires the agreement and prepayment in place before doing the work.

The Airport placed \$500,000 in the first phase budget to accommodate FAA's first phase work. Airport staff anticipated and planned for \$500,000 for FAA services in the remaining work phases when planning the total cost of the project. This agreement is for \$950,087.41. The cost is eligible for FAA grant reimbursement and Passenger Facility Charge (PFC) reimbursement. This will be included as part of the FAA grant request airport staff will submit in August and is included in PFC #7 as part of the project funding package. Staff requests approval of the reimbursable agreement.

E. The Board of City Commissioners considered the request for approval from the Assessing Division of the tax abatement application for a Disabled Veteran Credit at 3228 Sleepy Hollow Loop. Mark McGarvey qualified for the abatement.

F. The Board of City Commissioners considered the request for approval from the City Attorney for the following items:

- Approval of request by Mid Dakota Medical Building Partnership for the City to execute a quit claim deed regarding alleys in their parking lots.

Mid Dakota Medical Building Partnership owns property in Block 30, Northern Pacific Second Addition to the City of Bismarck and Block 134 in Williams Survey to the City of Bismarck. Both of these locations are parking lots that contain apparent alley through the parking lots. The alley in Block 134, Williams Survey to the City of Bismarck was originally granted to the City by easement but was vacated by action of the City Commission in 2001. These alleys were not platted and are not otherwise supported by documents of record. In order to clean up the title to these parcels and remove any doubt about the non-existence of the alleys, Mid Dakota Medical Building Partnership is requesting that the City execute a quit claim deed of any interest it might have in the

properties in favor of Mid Dakota Medical Building Partnership. City staff has reviewed this information and has no objection to the request. Materials submitted by Mid Dakota Medical Building Partnership to support their request are included in the agenda materials for this item. Staff requests approval of the quit claim in favor of Mid Dakota Medical Building Partnership.

- Approval of introduction and first reading of Ordinance 6249 regarding the amendment of ordinance sections relating to panhandling and pedestrians on roadways.

ORDINANCE NO. 6249

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 6-05-13 AND 12-16-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO PANHANDLING AND PEDESTRIANS ON ROADWAYS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 6-05-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Panhandling is hereby amended and re-enacted to read as follows:

6-05-13. Aggressive Panhandling.

1. Definitions.

a. "Aggressive Panhandling" means engaging in ~~any conduct~~ panhandling or soliciting with the intention of intimidating another person, or in reckless disregard of the fact that another person is intimidated by his/her conduct, into giving away money or goods, including but not limited to, approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury or the imminent commission of a criminal act upon the person or upon the property in the person's immediate possession; touching another person without consent; continuing to solicit after the person gives a negative response to the request; or blocking or interfering with the free passage of a person.

b. "Panhandling" or "Soliciting" for purposes of this subsection are interchangeable and mean employment of the spoken, written or printed word or other acts as are conducted in the furtherance of the purpose of collecting money or any item of value for the use of one's self or others; or attempting to sell or obtain compensation for item or service under circumstances that

would leave a reasonable person to conclude that the payment is in substance a donation.

~~c. "Downtown Districts" shall mean that area in the City of Bismarck described as follows: Starting at the intersection of 9th Street and the north line of the Burlington Northern RR right-of-way, then north to the middle of the intersection of 9th Street and Broadway Avenue, then west along Broadway Avenue to the alley between 6th Street and 7th Street, then north in the alley approximately 270 ft, then west to the middle of 6th Street, then north to the middle of East Avenue B, then west to the middle of 2nd Street, then south to the middle of East Avenue A, then west to the alley between 1st Street and 2nd Street, then south to the middle of Rosser Avenue, then west to the middle of Washington Street, then south to the north line of the Burlington Northern RR right-of-way, then east along the north line of the Burlington Northern RR right-of-way to the point of beginning.~~

2. It shall be unlawful for any person to aggressively panhandle in any area within the city of Bismarck.

~~3. It shall be unlawful for any person to panhandle within the city of Bismarck, while located:~~

~~a. Within twenty feet of any intersection of city streets, state highways and state highway onramps or off-ramps;~~

~~b. On any median in any city street;~~

~~c. On the roadway of any city street intended for the use of vehicular traffic;~~

~~d. Within twenty feet of any bus stop;~~

~~e. Within twenty feet of any crosswalk;~~

~~f. On any bridge or tunnel located along or across a public roadway. Page 3 of 4~~

~~g. Within 100 feet of any school building or school playground when children are present. For purposes of this subsection a school shall not include a college, university or other institution of higher learning.~~

~~h. Within 20 feet of an entrance to any public restroom.~~

i. ~~Within any city park.~~

j. ~~Within the Downtown Business District, unless the person represents a bona fide charitable organization, including any organization recognized by 501(c) of the Internal Revenue Code [29 U.S.C. 501(c)].~~

k. ~~On private property when asked by the owner or occupant to cease.~~

l. ~~Within 20 feet of an outdoor dining or shopping area.~~

m. ~~Within 20 feet of an ATM or the entrance to a building housing an ATM.~~

~~This section does not apply to solicitations made on private property with the prior consent of the owner or other person in legal possession of the property.~~

34. A person who violates this section is guilty of an infraction.
(Ord. 5922, 10-09-12; Ord. 6102, 02-24-15)

Section 2. Amendment. Section 12-16-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Pedestrians on Roadways is hereby amended and re-enacted to read as follows:

12-16-06. Pedestrians on Roadways. In order to protect the health, safety and welfare of the citizens and to foster safe interaction between motor vehicles and pedestrians, the following limitations shall apply to pedestrians on roadways:

1. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to stop, stand or walk along and upon an adjacent roadway.

2. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

3. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

4. Except as otherwise provided for in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

5. Subject to Chapter 10-06, and except while legally walking along or crossing a roadway, it shall be unlawful for any pedestrian to stop, stand or remain:

a. Within twenty feet of any intersection of city streets with state highways and state or federal highway on-ramps or off-ramps;

b. On any median in any city street;

c. On any bridge or overpass located along or across a public roadway where no sidewalk is provided.

d. On the roadway of any city street intended for the use of vehicular traffic if a sidewalk is not provided.

6. A person who violates this section is guilty of an infraction.

Reference: NDCC 39-10-33 (1980)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

G. The Board of City Commissioners considered the request for approval from the Community Development Department for the following items:

- Approval of Mr. Jim Christianson to be re-appointed to another term on the Bismarck Parking Authority. The term for this position would expire in March of 2022.
- Introduction of and call for a public hearing on the request from Matt Geiger, 161 Commercial, LLC for approval of a zoning change from the A-Agricultural zoning district to the Conditional MA - Industrial zoning district for Auditor's Lot 7 & Auditor's Lot 8B of Auditor's Lot 8 of the SE 1/4 of Section 1, Lincoln Township (Ordinance 6251).

ORDINANCE NO. 6251

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture zoning district and included within the Conditional MA – Industrial zoning district:

Auditor's Lots 7 and 8B of Auditor's Lot 8, Section 1, T138N-R80W/Lincoln Township

This Conditional MA – Industrial zoning is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted:

- a. Hotel-motel.
- b. Retail group A.
- c. Retail group B.
- d. Service group A, excluding dry cleaning plants, mortuaries or funeral homes.
- e. Service group B.
- f. Wholesale group.
- g. Truck terminal.
- h. Industrial group A, excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants.
- i. Commercial recreation group.
- j. Office-bank group.
- k. Health-medical group.
- l. Radio or television transmitting station.
- m. Utility service group.
- n. Religious institutions.

2. *Special Uses.* The following uses are allowed as special uses pursuant to Section 14-03-08 of the City Code of Ordinances:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.
- d. Seasonal nursery and bedding stock sales.
- e. Small animal veterinary clinic.
- f. Drive-in retail or service establishments.
- g. Golf driving range.
- h. Small animal veterinary clinic.
- i. Auto laundry-car wash.
- j. Roadway maintenance facilities.
- k. Small wind energy systems.
- l. Animal hospital or kennel.

- m. Recreational vehicle park.
- n. Filling station.

3. *Dimensional Standards.*

- a. Lot Area. The minimum lot area is 10,000 square feet.
- b. Lot Width. The minimum lot width is sixty (60) feet.
- c. Front Yard Setback. The minimum front yard setback is fifteen (15) feet along interior roadways. The minimum front yard setback along 52nd Street is fifty (50) feet.
- d. Side Yard Setback. The minimum side yard setback is ten (10) feet.
- e. Rear Yard Setback. The minimum rear yard setback is ten (10) feet.
- f. Height. The maximum building height is forty (40) feet.
- g. Lot Coverage. The maximum lot coverage for buildings and required parking is 80% of the total lot area.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. The main building facade facing a public street within this Conditional MA-Industrial zoning district must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. If prefinished metal architectural panels are used, no more than 70% of the front elevation and no more than 80% of any other elevations facing a public-right-of-way may consist of this material. The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated

metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete.

The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right of way.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

- c. **Building Colors.** The main mass of the building shall be of a neutral, subtle color that reflects those found in the natural environment to help de-emphasize the overall mass of the building elevation. Design features that provide accents to the building façade may be of a brighter color that is vibrant but not garish, in a shade that complements colors utilized in the main mass of the building.
- d. **Enclosed Building Requirement.** All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.
- e. **Outdoor Storage Areas.** Outdoor storage areas shall be placed to the rear or side of the principal structure and shall be subject to the building setback requirements. The storage area shall be fenced around its perimeter with a minimum six foot wall or fence and any storage area visible from the public right-of-way shall be screened with a vegetative buffer yard. Goods and materials shall be located on a paved or gravel surface and the outdoor storage area shall be maintained in an orderly fashion.
- f. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence, with the exception that the height of materials may be increased to two times the fence height if the stored material meets the building setback requirements. The outdoor storage area shall not reduce the amount of required parking on the site.

6. Development Standards.

- a. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Storage containers may not be used as Accessory Buildings.
- b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. Loading areas within 400 feet of the centerline of 52nd Street shall be oriented away from 52nd Street.
- c. Landscaping and Screening. Parking lot landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- d. Buffer Yards. In addition to the requirements of Section 14-03-11, a 50 foot wide buffer yard shall be provided along the eastern boundary of the PUD zoning district. Said buffer yard shall be shown on the face of the plat as a landscape easement and shall be densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for buffer yards in the City's landscaping ordinance (minimum of 6 trees and 25 shrubs per 100 linear feet, with at least 50% of the required trees and shrubs being evergreens).
- e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- f. Signage. Signage for the development may be installed in accordance with the provisions of Sec14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

H. The Board of City Commissioners considered the request for approval from the Engineering Department for the following items:

- Approval of the North Dakota Department of Transportation Cost Participation and Maintenance Agreement for Retro Reflectivity Signing Improvements Project (SHE-9-999(367), HC17-111).

The North Dakota Department of Transportation (NDDOT) will be updating two signs within the City of Bismarck as part of a larger signing project in 2017. The NDDOT is requesting the City of Bismarck enter into a Cost Participation and Maintenance (CPM) agreement for the project. This agreement assigns the respective responsibilities of the NDDOT and the City of Bismarck including the financial responsibility for each party.

This project was not identified in the City of Bismarck 2017 Capital Improvement Plan. When preparing the 2017 budget, staff was not aware that this project would upgrade any signs within the City of Bismarck that would require a financial commitment from the city. The NDDOT estimates the City of Bismarck financial obligation to be \$740. After conferring with the City of Bismarck Finance Director, they would recommend these dollars be allocated from the Board's Special Roads Fund. Staff recommends approval.

- Consider request for receiving bids and awarding contract for Earthmoving Equipment Rental 2017. The only bid received was from Sand Creek Corporation for \$166,208.00 and staff recommends award.

I. The Board of City Commissioners considered the request for approval from the Engineering Department for Resolution Approving Plans and Specifications, Resolution of Necessity, Resolution Directing Advertisement of Bids and Receiving Bids for the following improvement districts:

- Street Improvement District 17-515 (new street lighting and appurtenances).
- Street Improvement District 17-514 (concrete pavement repair).

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FIFTEEN (515)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Five Hundred Fifteen (515), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in

the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION OF NECESSITY

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FIFTEEN (515)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary and expedient for the City of Bismarck to construct an improvement in and for Street Improvement District Number Five Hundred Fifteen (515), such improvement to consist of new street lighting and appurtenances and related work, for the following areas:

Unit No. 1

Bluff Lane - Powder Ridge Drive to 140' east

Del Rio Drive - 190' west of Powder Ridge Drive to 475' east of Powder Ridge Drive

Powder Ridge Drive - 735' south of Del Rio Drive to 1,120' north of Del Rio Drive

Unit No. 2

Grey Hawk Lane - Harp Hawk Drive to Prairie Hawk Drive

Harp Hawk Drive - 155' west of Kites Lane to 420' east of Kites Lane

Kites Lane - 100' south of Prairie Hawk Drive to 145' north of Harp Hawk Drive

Prairie Hawk Drive - 155' west of Kites Lane to 110' east of Grey Hawk Lane

Unit No. 3

Community Loop - Sonora Way to Select Lane

Crested Butte Road - 57th Avenue to 900' northwest of Valley Vista Lane

Valley Vista Lane - Crested Butte Road to 110' north

Limited Lane - Sonora Way to 115' west of Community Loop

Reserve Lane - Sonora Way to Community Loop

Select Lane - Sonora Way to Community Loop

Sonora Way - 57th Avenue to 1,475' north

Unit No.4

Elbowoods Lane - Ridgedale Street to 19th Street
19th Street - Elbowoods Lane to 1,280' northeast

Unit No. 5

Ottawa Street - 43rd Avenue Northeast to 900' north

Unit No. 6

Channel Drive - Divide Avenue to 690' south

Unit No. 7

Leighton Drive - Nina Lane to 255' south
Meridian Drive - Burleigh Avenue to 2,200' south
Nina Lane - 145' west of Meridian Drive to Washington Street
Stacy Drive - Nina Lane to 320' south

All in accordance with and as described in the resolution creating said district, adopted February 28, 2017, the preliminary report of the engineer, approved by this Board on February 28, 2017, and the plans and specifications for the improvement prepared by the engineer and approved by this Board on March 14, 2017, which are on file in the office of the City Engineer, and subject to inspection by anyone interested therein.

2. The cost of the improvement will be paid for by special assessments to be levied against properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvements is in the amount of \$1.04 million.
3. The Special Assessment Analyst is hereby authorized and directed to cause this resolution, together with a map of the city showing the improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the Special Assessment Analyst at any time within thirty (30) days after the first publication of this resolution. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to-wit, April 25, 2017, at 5:15 p.m. meet at the City Hall for the purpose of hearing and determining the sufficiency of any protests so filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

Commissioner Guy seconded the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FIFTEEN (515)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Five Hundred Fifteen (515), according to plans and specifications heretofore approved by this Board, shall be received on April 17, 2017, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

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Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FOURTEEN (514)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Five Hundred Fourteen (514), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION OF NECESSITY

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FOURTEEN (514)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary and expedient for the City of Bismarck to construct an improvement in and for Street Improvement District Number Five Hundred Fourteen (514), such improvement to consist of concrete pavement repair and related work, for the following areas:

Unit 1

Main Avenue – 9th Street to 26th Street

All in accordance with and as described in the resolution creating said district, adopted February 28, 2017, the preliminary report of the engineer, approved by this Board on February 28, 2017, and the plans and specifications for the improvement prepared by the engineer and approved by this Board on March 14, 2017, which are on file in the office of the City Engineer, and subject to inspection by anyone interested therein.

2. The cost of the improvement will be paid for by special assessments to be levied against properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvements is in the amount of \$2.25 million.
3. The Special Assessment Analyst is hereby authorized and directed to cause this resolution, together with a map of the city showing the improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the Special Assessment Analyst at any time within thirty (30) days after the first publication of this resolution. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to-wit, April 25, 2017, at 5:15 p.m. meet at the City Hall for the purpose of hearing and determining the sufficiency of any protests so filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

Commissioner Guy seconded the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FOURTEEN (514)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Five Hundred Fourteen according to plans and specifications heretofore approved by this Board, shall be received on April 18, 2017, at the hour of 3:00 o'clock

p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

J. The Board of City Commissioners considered the request for approval from the Engineering Department for the following items relating to Street Improvement District 17-513 (patch, level, mill, overlay, chip seal, curb repair):

- Resolution Creating District SI 17-513 and Ordering Preparation of the Preliminary Report.
- Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION CREATING
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED THIRTEEN (513)
AND ORDERING THE PREPARATION OF A PRELIMINARY REPORT

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Pursuant to the provisions of Chapter 40-22 of the North Dakota Century Code, Street Improvement District Number Five Hundred Thirteen (513) is created for the purpose of making an improvement project, consisting of patch, level, mill, overlay, chip seal, curb repair and related work, and to defray all or a portion of the costs thereof by the levy and collection of special assessments in said District.
2. It is the judgment of this Board of City Commissioners, after consultation with the engineer planning the improvement for the City that construction of the improvement project will specially benefit all of the properties within the district, the size and form of which is defined by reference to the plats of the City of Bismarck on file in the office of the County Recorder of Burleigh County, North Dakota, and the district shall include all lots, tracts and parcels of land lying within the following described boundary:

PHASE A (UNITS NO. 1 THROUGH NO. 3)

UNIT NO. 1

ALL OF COUNTRY WEST XXII, LESS LOT ONE (1), BLOCK TWO (2); ALL OF COUNTRY WEST XXIII, LESS LOT NINE (9), BLOCK TWO (2); LOTS ONE (1) THROUGH TEN (10), BLOCK TWO (2), ALL OF BLOCK THREE (3), COUNTRY WEST

XXVI; LOT ONE (1), BLOCK FOUR (4), LOT ONE (1) BLOCK SIX (6), COUNTRY WEST XXVIII; ALL OF BLOCK ONE (1), LOTS FIVE (5) THROUGH EIGHT (8), BLOCK TWO (2), HIGH MEADOWS SEVENTH ADDITION.

UNIT NO. 2

ALL OF COUNTRY WEST VIII; ALL OF COUNTRY WEST XVIII; ALL OF COUNTRY WEST XX; LOT FOUR (4), BLOCK TWO (2), LOT ONE (1), BLOCK THREE (3), COUNTRY WEST XVII; LOTS NINE (9) THROUGH THIRTEEN (13), BLOCK ONE (1), ALL OF BLOCK TWO (2), LOTS ONE (1) THROUGH THREE AND FIVE (5), BLOCK THREE (3), COUNTRY WEST XXVII; ALL OF COUNTRY WEST I; LOT NINE A (9A), SOUTHWEST $\frac{1}{4}$ SECTION NINETEEN (19), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE EIGHTY (80) WEST, ALL OF REPLAT OF COUNTRY WEST I; ALL OF COUNTRY WEST II, LESS LOT THREE (3), BLOCK FOUR (4); ALL OF COUNTRY WEST III; ALL OF REPLAT OF BLOCKS 5, 6, 7 & LOTS 1 THROUGH 7, BLOCK 10 COUNTRY WEST II; LOT TWO (2), BLOCK ONE (1), LOT ONE (1), BLOCK TWO (2), REPLAT OF PART OF COUNTRY WEST V; ALL OF COUNTRY WEST VII; ALL OF COUNTRY WEST X; ALL OF REPLAT OF BLOCKS 3 AND 4 COUNTRY WEST X; ALL OF REPLAT OF COUNTRY WEST XI; ALL OF COUNTRY WEST XXV; ALL OF COUNTRY WEST VI; ALL OF REPLAT OF BLOCK 3 COUNTRY WEST XXV; ALL OF NORTH WEST ACRES; ALL OF NORTH WEST ACRES SECOND ADDITION, LESS LOT FIFTEEN (15), BLOCK TWO (2); ALL OF NORTHWEST ACRES THIRD ADDITION; LOTS ONE (1) THROUGH TEN (10) AND THIRTEEN (13), BLOCK ONE (1), NORTHWEST ACRES FOURTH ADDITION; LOTS ONE (1) THROUGH SIX (6) AND NINE (9) THROUGH (11), BLOCK ONE (1), NORTHWEST ACRES FIFTH ADDITION; ALL OF TYLER'S WESTERN VILLAGE; ALL OF PARKWAY ADDITION; LOT FOUR (4), BLOCK TWO (2), COUNTRY WEST V; ALL OF CONTESSA ADDITION; LOT K OF SOUTHWEST $\frac{1}{4}$ OF SECTION TWENTY (20), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE EIGHTY (80) WEST.

UNIT NO. 3

ALL OF GATEWAY THIRD ADDITION; LOTS ONE (1) AND FIFTEEN (15) THROUGH TWENTY-ONE (21), BLOCK TWO (2), ALL OF BLOCKS THREE (3) AND FOUR (4), LOTS ONE (1) AND TWENTY-ONE (21), BLOCK FIVE (5), LOTS ONE (1) AND TWENTY-FOUR (24), BLOCK SIX (6), LOTS FOURTEEN (14) THROUGH SIXTEEN (16), BLOCK SEVEN (7), LOTS ONE (1) THROUGH SEVEN (7), BLOCK TEN (10), ALL OF BLOCK ELEVEN (11), GATEWAY ADDITION; ALL OF BROME ADDITION, LESS LOT TWENTY-TWO (22), BLOCK ONE (1); LOT ONE (1), BLOCK THREE (3), MENARDS SECOND ADDITION; LOTS FIVE (5) AND NINE (9), BLOCK FOUR (4), REPLAT OF NORTH HILLS TWELFTH ADDITION; AN UNPLATTED PARCEL OF LAND IN NORTHEAST $\frac{1}{4}$ OF SECTION TWENTY-ONE (21), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE EIGHTY (80) WEST, BOUNDED ON THE EAST BY GATEWAY ADDITION, ON THE SOUTH BY GATEWAY 3RD ADDITION, ON THE WEST BY NORTH HILLS 16TH AND ON THE NORTH BY 43RD AVENUE.

PHASE B (UNITS NO. 4 AND NO. 5)

UNIT NO. 4

LOTS TEN (10) THROUGH SIXTEEN (16), BLOCK EIGHT (8) AND WEST ½ VACATED RIGHT OF WAY AND ADJOINING SAID LOTS, LOTS ONE (1) THROUGH TWENTY (20), BLOCK NINE (9) AND WEST ½ OF VACATED RIGHT OF WAY AND ADJOINING LOTS ONE (1) THROUGH SIXTEEN (16), AND SOUTH ½ VACATED RIGHT OF WAY ADJOINING LOT ONE (1), LOTS FIFTEEN (15) THROUGH EIGHTEEN (18), BLOCK TEN (10), LOTS THIRTEEN (13) THROUGH TWENTY (20), BLOCK ELEVEN (11), ALL OF BLOCK TWELVE (12), HAIGHT AND LITTLE'S ADDITION; LOTS ONE (1) AND TWO (2) AND ELEVEN (11) THROUGH TWENTY-FOUR (24), BLOCK SEVEN (7), INDIAN HILLS SECOND ADDITION; ALL OF FISHER ADDITION; ALL OF CAPITOL VIEW ADDITION; LOTS EIGHT (8) THROUGH EIGHTEEN (18), BLOCK FIVE (5), LOTS ONE (1) AND TWELVE (12) THROUGH EIGHTEEN (18), BLOCK SIX (6), ALL OF BLOCKS SEVEN (7) AND EIGHT (8), ROLLING HILLS FIRST ADDITION; LOTS ONE (1) AND TWO (2), BLOCK ONE (1), LOT ONE (1), BLOCK TWO (2), REPLAT OF CALKINS ADDITION; AUDITOR'S LOT A AND B, SECTION THIRTY-THREE (33), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE EIGHTY (80) WEST; UNPLATTED PARCEL IN SECTION THIRTY-THREE (33), TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH, RANGE EIGHTY (80) WEST, THAT IS BOUNDED ON THE NORTH, EAST, AND WEST BY BLOCK TWO (2), REPLAT OF CALKINS ADDITION AND ON THE SOUTH BY BOULEVARD AVENUE; LOTS ONE (1) AND TWO (2), BLOCK NINETY-SIX (96), LOTS ONE (1) AND TWO (2) AND THIRTY-ONE (31) AND THIRTY-TWO (32), BLOCK NINETY-SEVEN (97), LOTS ONE (1) AND TWO (2), BLOCK NINETY-EIGHT (98), MCKENZIE AND COFFIN'S ADDITION; LOTS ONE (1) THROUGH THREE (3), BLOCK EIGHT (8), LOTS ONE (1) AND TWO (2) AND TWENTY-NINE (29) AND THIRTY (30), BLOCK SEVEN (7), LOTS ONE (1) AND TWO (2) AND TWENTY-EIGHT (28) THROUGH THIRTY (30), BLOCK SIX (6), LOTS ONE (1) AND TWO (2) AND TWENTY EIGHT (28) THROUGH THIRTY (30), BLOCK FIVE (5), ALL OF BLOCKS ONE (1) THROUGH FOUR (4), FLANNERY AND WETHERBY ADDITION; LOTS FIVE (5) THROUGH SEVEN (7), LOUNDBERRY,S BISMARCK OUTLOTS.

UNIT NO. 5

ALL OF WACHTER'S SECOND ADDITION, LESS LOT SEVEN (7), BLOCK SIXTEEN (16); ALL OF BLOCK FOURTEEN (14), REPLAT OF LOT ONE, BLOCK TWO, MEADOW VALLEY ADDITION; ALL OF BLOCKS EIGHTEEN (18) THROUGH TWENTY-FIVE (25), LOTS ONE (1) THROUGH FIVE (5), BLOCK TWENTY-SEVEN (27), LOTS ONE (1) AND TWENTY-SEVEN (27), BLOCK TWENTY-EIGHT (28), LOTS ONE (1) AND TWENTY-EIGHT (28), BLOCK TWENTY-NINE (29), LOTS ONE (1) AND THIRTY (30), BLOCK THIRTY (30), WACHTER'S THIRD ADDITION; LOTS ONE (1) AND NINETEEN (19), BLOCK TWENTY-SIX (26), REPLAT OF BLOCK 26 WACHTER'S THIRD ADDITION; ALL OF BLOCK TWELVE (12), LOTS EIGHT (8) AND NINE (9), BLOCK ELEVEN (11), LOT ONE (1), BLOCK THIRTEEN (13), LOT SIX (6), BLOCK FOURTEEN (14), MEADOW VALLEY THIRD ADDITION; LOTS TWO (2) THROUGH TWENTY-NINE (29), BLOCK EIGHTEEN (18), ALL OF BLOCK FIFTEEN

(15) THROUGH SEVENTEEN (17) AND NINETEEN (19) THROUGH TWENTY-ONE (21), MEADOW VALLEY FOURTH ADDITION; ALL OF LIECHTY ADDITION; ALL OF AIRPORT EXPRESSWAY ADDITION; LOTS ONE (1) AND TWO (2), BLOCK ONE (1), LOTS ONE (1) THROUGH SIX (6), BLOCK TWO (2), LOTS ELEVEN (11) AND TWELVE (12), BLOCK THREE (3), RUE'S SUBDIVISION; LOTS ONE (1) THROUGH FIVE (5), BLOCK ONE (1), LOTS ONE (1) AND TWO (2), BLOCK TWO (2), ZINDA & WAHL ADDITION; ALL OF BLOCK ONE (1), LOTS EIGHT (8) THROUGH TWENTY (20), BLOCK TWO (2), AERO-COMMERCIAL SUBDIVISION; ALL OF BLOCKS EIGHT (8) THROUGH ELEVEN (11), BISMARCK AIRPORT ADDITION; ALL UNPLATTED PARCELS IN SOUTHWEST ¼ SECTION TEN (10), TOWNSHIP ONE HUNDRED THIRTY-EIGHT (138) NORTH, RANGE EIGHTY (80) WEST.

3. The engineer is directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of probable cost of the work.
4. The City Commission declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds, and the Finance Director is hereby authorized to execute an official declaration of intent on behalf of the City of Bismarck.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY REPORT AND DIRECTING THE
PREPARATION OF PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED THIRTEEN (513)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that this Board has received and considered the report of the engineer as to the general nature, purpose and feasibility of the proposed improvement in and for Street Improvement District Number Five Hundred Thirteen (513), and an estimate of the probable cost of the work, and approved the report and directs it to be filed in the City Administration office and the City Engineer's office, and directs the engineer to prepare detailed plans and specifications for the construction of the improvement and to submit the same to this Board of City Commissioners.

Commissioner Guy seconded the motion on the foregoing resolution. Upon roll call the Commissioners voted as follows. Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

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K. The Board of City Commissioners considered the request for approval from the Finance Department to provide information on the unified rate for annual special assessments for 2017 street maintenance projects.

L. The Board of City Commissioners considered the request for approval from the Public Works Service Operations Department for permission to purchase a vehicle for the Wastewater Treatment Plant at the State of North Dakota bid price for the 2017 budget year.

M. The Board of City Commissioners considered the request for approval from the Public Works Utility Operations Department for the following items:

- Approval of software lease from Pitney Bowes to print utility bills.

Pitney Bowes is the provider of the software to format and print the utility bills. The lease is up for renewal. City staff requests approval of the software lease from Pitney Bowes for a three-year period. The proposed cost of the quarterly lease is \$1,162.92 for a total of \$13,955.04 over the term of the lease.

- Approval of Contract Change Order RD-02 with Ovivo USA, LLC for the Bismarck Wastewater Plant Trickling Filter Improvement Project.

Original contract delivery date for Phase IIa was March 1, 2017. This change order amends the existing contract date to July 14, 2017 in order to modify the time for delivery of services. Staff recommends approval.

- Approval of Change Order for PKG Contracting for Wastewater Treatment Plant Trickling Filters Project.

The change order is for modifications to the contract drawings with a net change amount of (\$11,286.00). Staff recommends approval.

- Approval of Change Order for Central Mechanical for the Wastewater Treatment Plant Trickling Filters Project.

The change order is to modify the duct between the mechanical and electrical rooms in the amount of \$130.53.

Commissioner Askvig made a motion to approve the consent agenda. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

No members of the public appeared to present any public comment.

4. The Board of City Commissioners considered the request for approval from the Police Department for authorization to transfer ownership of retired BPD K-9 "Oscar" to his handler Sergeant Tim Sass at no cost, effective March 17, 2017.

Dan Donlin, Police Chief, and Commissioner Askvig praised Sergeant Sass and Oscar for their accomplishments during their time together on the department.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on a request from Capsco Entertainment Inc. for the relocation of a Class E liquor license from 1120 Riverwood Drive (dba The Pier Convenience Store) and is requesting site approval to conduct off-sale under the Class E liquor license in leased space at the Pony Express Shell located at 1020 South Washington Street (dba Beer Cave).

Commissioner Askvig made a motion to approve the liquor license request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on Ordinance 6250 relating to the zoning change from the RM30-Residential zoning district to the P-Public zoning district for Lots 1-6, Block 5, Rolling Hills 1st Addition, requested by Bismarck Public Schools. The Bismarck Planning & Zoning Commission recommends approval.

ORDINANCE NO. 6250

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Kim Lee, Planning Manager, appeared before the Board and presented information to the Board from the staff report.

No members of the public appeared to provide comment.

Commissioner Marquardt made a motion to adopt Ordinance 6250. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

7. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on request of Reditus Properties, Inc., U-Tag Investments, 6037 Williston, LLC, Cary Murschel, UBU, LLC, James Ragland, Empire Oil Company and Greg Holzer for a right-of-way vacation for that portion of Cessna Avenue adjacent to Lots 1-10, Block 2, Aero-Commercial Subdivision and Lots 11-16, Block 2, Zinda and Wahl Addition. Staff recommends holding the public hearing.

Kim Lee, Planning Manager, appeared before the Board. Originally staff was going to ask to continue the public hearing until some issues have been resolved but that resolution has taken place and staff recommends going forward and holding the public hearing. She presented information to the Board from the staff report.

No members of the public appeared to provide comment.

RESOLUTION

VACATION OF RIGHT-OF-WAY CESSNA AVENUE

WHEREAS, the owners of property described as Lots 1-10, Block 2, Aero-Commercial Subdivision; Lots 11-16, Block 2, Zinda and Wahl Addition adjoining and contiguous to the right-of-way described as Cessna Avenue, have heretofore joined in petition requesting that part of said right-of-way contiguous to these lots be vacated, verified by oath of at least one petitioner and accompanied by a plat of said right-of-way to be vacated, having set forth the facts and reason for said vacation; and

WHEREAS, said right-of-way was shown on the plats of Aero-Commercial Subdivision, which was recorded on November 8, 1967, and Zinda and Wahl Addition, which was recorded on May 24, 1977; and

WHEREAS, the City Traffic Engineer has determined that the right-of-way to be vacated is not necessary for efficient traffic movement or public safety; and

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, deemed it expedient that said matter be preceded with, ordered said petition to be filed in the office of the City Administrator; and

WHEREAS, the Board of City Commissioners ordered that notice be given on hearing the aforesaid petitions and the same was so given by publication in the official newspaper of said City on February 17, February 24, March 3 and March 10, 2017, in

accordance with law. The Board of City Commissioners at the time appointed, investigated and considered the matter and heard testimony of the persons interested therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota Petitions heretofore described to vacate that portion of the right-of-way described as

That part of Cessna Avenue adjacent to Lots 1-10, Block 2, Aero-Commercial Subdivision; Lots 11-16, Block 2, Zinda and Wahl Addition, City of Bismarck, North Dakota.

is in all things allowed and granted.

BE IT FURTHER RESOLVED that said right-of-way is hereby declared vacated, subject to a utility easement over the North 20 feet of the South 30 feet of the vacated Cessna Avenue to preserve the rights of any public or private utility or franchise, their successors and assigns, heretofore granted by the City of Bismarck or another party and not heretofore waived or abandoned, and granting unobstructed access to any public facilities over that part of said easement described as the North 20 feet of the South 30 feet of the vacated Cessna Avenue for the purpose of maintenance and operations.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to file a transcript thereof for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 14th day of March, 2017

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

8. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING for the 2017 Transit Operations Grant Proposal.

Rachel Drewlow, Transportation Planner, and Roy Rickert, Executive Director of Bis-Man Transit, appeared before the Board to present the request. The 2017 Transit Operations Grant is funded under the Federal Administration's 5307 program. The purpose of this grant is to secure funding for Bis-Man Transit's yearly operating expenses and capital procurement needs. The total grant request is for \$1,576,146. The Federal award is \$1,260,916 and the local match is \$315,230, which will be supplied by Bis-Man Transit.

Staff requests the Board hold the public hearing and consider approval of the grant application. Following public comment and Commission approval, the grant will be pursued by the Bismarck-Mandan MPO on behalf of Bis-Man Transit.

No members of the public appeared to provide comment.

Commissioner Marquardt made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

9. The Board of City Commissioners considered the request for approval from the Community Development Department for the minor subdivision final plat of South Meadows Addition First Replat, requested by Paramount Builders, Inc. The Bismarck Planning & Zoning Commission recommends approval.

Kim Lee, Planning Manager, appeared before the Board and presented information to the Board from the staff report.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the request for approval from the Engineering Department to consider the alternatives for the South Bismarck Watershed and recommendations from the City Engineer.

Gabe Schell, City Engineer, presented information to the Board regarding the options and made the recommendation to eliminate the Kiwanis Park Bypass Alternative and take no immediate action on the South Bismarck Bypass Alternative. There was discussion between the Board and Mr. Schell.

Commissioner Marquardt made a motion to approve the recommendation to eliminate Kiwanis Park Bypass Alternative and no immediate action on the South Bismarck Bypass Alternative. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

11. The Board of City Commissioners considered the request for approval from the Engineering Department for the following relating to Street Improvement District 17-512 (street and water main replacement and related items):

- Request for Resolution Approving Plans and Specifications.
- Request for Resolution of Necessity.
- Request for Resolution Directing Advertisement of Bids and Receiving Bids.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWELVE (512)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the plans and specifications for the work proposed to be done in and for Street Improvement District Number Five Hundred Twelve (512), as prepared by the engineer and presented to the Board of City Commissioners on this date, are hereby approved and ordered to be placed on file in the office of the City Administration and in the office of the City Engineer, where they shall remain on file and subject to inspection by anyone interested therein.

Commissioner Oban seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION OF NECESSITY

RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWELVE (512)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary and expedient for the City of Bismarck to construct an improvement in and for Street Improvement District Number Five Hundred Twelve (512), such improvement to consist of new street lighting and appurtenances and related work, for the following areas:

Unit No. 1

Lincoln Avenue - Riverside Park Road to Bell Street
Bell Street - Lincoln Avenue to Sweet Avenue
Sweet Avenue - Riverside Park Road to Anderson Street
Bowen Avenue - Riverside Park Road to Washington Street
Ingals Avenue - Anderson Street to Washington Street
Indiana Avenue - Anderson Street to Washington Street
Garden Drive - Bowen Avenue to Anderson Street
Meadow Lane - Bowen Avenue to Anderson Street
Anderson Street - Sweet Avenue to Indiana Avenue
Sweet Avenue - Anderson Street to Washington Street
Sweet Avenue - Washington Street to 5th Street
Hannifin Street - 300' south of Memorial Highway to Sweet Avenue

Mandan Street - Front Avenue to Sweet Avenue
1st Street - Front Avenue to Sweet Avenue
2nd Street - Front Avenue to Sweet Avenue
Front Avenue - Washington Street to 1st Street (water main replacement only)

All in accordance with and as described in the resolution creating said district, adopted February 28, 2017, the preliminary report of the engineer, approved by this Board on February 28, 2017, and the plans and specifications for the improvement prepared by the engineer and approved by this Board on March 14, 2017, which are on file in the office of the City Engineer, and subject to inspection by anyone interested therein.

2. The cost of the improvement will be paid for by special assessments to be levied against properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvements is in the amount of \$4.11 million.
3. The Special Assessment Analyst is hereby authorized and directed to cause this resolution, together with a map of the city showing the improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City. The owners of property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protests with the Special Assessment Analyst at any time within thirty (30) days after the first publication of this resolution. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to-wit, April 25, 2017, at 5:15 p.m. meet at the City Hall for the purpose of hearing and determining the sufficiency of any protests so filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

Commissioner Oban seconded the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

Commissioner Askvig introduced the following resolution and moved its adoption:

RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS FOR
STREET IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED TWELVE (512)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that proposals for the work of making the improvement in Street Improvement District Number Five Hundred Twelve (512), according to plans and specifications heretofore approved by this Board, shall be received on April 17, 2017, at the hour of 3:00 o'clock p.m. Advertisement for such proposals shall be published as required by Section 40-22-19, North Dakota Century Code.

Commissioner Oban seconded the motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Askvig, Guy, Marquardt, Oban and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

12. The Board of City Commissioners considered the request for approval from the Public Works Service Operations Department to report on the public input meetings for the proposed changes to the Solid Waste Collection division of Public Works.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the options of the public input meetings for the proposed changes. There was discussion between Mr. Heintz and the Board.

Commissioner Askvig made a motion to move ahead with the four-day collection route, Monday through Thursday, unless there's a holiday, and to explore options on how to do recycling more often. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

13. The Board of City Commissioners considered the request for approval from the Public Works Service Operations Department for the following items:

- Permission to award the contract for 2017 Installation of Painted Pavement Marking.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the bid received.

BIDDER	TOTAL BID AMOUNT
Traffic Safety Service, Inc.	\$59,851.63

Mr. Heintz recommended awarding the bid to Traffic Safety Services for \$59,851.63.

Commissioner Marquardt made a motion to award the bid to Traffic Safety Services for \$59,851.63. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

- Permission to award the contract for 2017 Paving Materials - Part A-E.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the bids received. The bid tabs were included in the material for this item in the agenda packet. Mr. Heintz recommended awarding Parts A, C, and E to Northern Improvement, Part D to Knife River Corporation and permission for staff to purchase Part B on the open market.

Commissioner Askvig made a motion to award Parts A, C, and E to Northern Improvement, Part D to Knife River Corporation and permission for staff to purchase Part B on the open market. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

- Permission to award the contract for 2017-18 Metal Recycling.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the bids received.

BIDDER	TOTAL OF COMPANY MINUS CITY PAY
Gerdau	\$69,714.00
Northern Metal Recycling	\$53,600.00

Mr. Heintz recommended awarding the bid to Gerdau for \$69,714.

Commissioner Marquardt made a motion to award the bid to Gerdau for \$69,714. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

14. The Board of City Commissioners considered the request for approval from the Public Works Utility Operations Department for award of the Northwest and 16th Street Pump Station Electrical Improvements.

Michelle Klose, Public Works Utility Operations Director, appeared before the Board and presented the bids received.

BIDDER	BID AMOUNT
Western Edge Electric	\$86,200
Hi-Line Electric, Inc.	\$82,000
John's Refrigeration and Electric, Inc.	\$85,000
Skeels Electric Co.	\$141,615
Edling Electric	\$114,000

Ms. Klose recommended awarding the bid to Hi-Line Electric for \$82,000.

Commissioner Guy made a motion to award the bid to Hi-Line Electric for \$82,000. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

15. The Board of City Commissioners considered the request for approval from the Administration Department for a review, discussion, and approval of the 2017 Legislative Report #5.

Keith Hunke, City Administrator, appeared before the Board and asked for them to support HB 1178.

Commissioner Askvig made a motion to support HB 1178. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Askvig, Marquardt, Guy, Oban, and President Seminary. Nays: None, the motion carried.

Keith Hunke, City Administrator, asked for a joint meeting with Burleigh County Commission after the legislative session is over to discuss the Emergency Operations Center and E-911 Communications Center, possibly the first or second week of May 2017.

16. The Board of City Commissioners considered other business.

Commissioner Askvig mentioned that he and Fire Chief Joel Boespflug will be appearing at the Bismarck Parks and Recreation District Board meeting on Thursday, March 16, 2017 thanking them for letting the Fire Department do some water rescue training at one of their facilities.

Commissioner Guy mentioned that applications for the Special Assessment Task Force are due Friday, March 17, 2017. They will be meeting for the first time in early April of 2017.

President Seminary asked Keith Hunke, City Administrator, if we are ready to give an update at the April 2017 Burleigh County Planning Commission where we are with the app for residents to determine which agency provides public services based on if they live in city limits or in rural Burleigh County. Mr. Hunke said that the app might be ready by early April. Due to some new leadership roles in City departments, staff must first work together to ensure each department is familiar with the policies and practices of the City and other departments.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 6:36 p.m.